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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,403

11/10/2003

Satoshi Mizutani

20050/0200484-US0

4411

7278 7590 01/25/2007  
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EXAMINER

REICHLE, KARIN M

ART UNIT

PAPER NUMBER

3761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/705,403	MIZUTANI ET AL.	
	Examiner	Art Unit	
	Karin M. Reichle	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,9-14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,9-14 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-13-06 has been entered.

### ***Response to Amendment***

2. The substitute specification filed 11-13-06 does not comply with 37 CFR 1.121. For example, the marked up copy of the Summary of the Invention section of the specification does not show the text of each paragraph of the 3-14-06 substitute specification amended to arrive at the paragraphs of the 11-13-06 substitute specification, i.e. the paragraphs shown amended are not the same as the paragraphs previously presented. For example the paragraph bridging pages 2-3 of the marked up copy of the 11-13-06 substitute specification is not the same as either the second or third full paragraphs on page 3 of the 3-06 substitute specification. Furthermore, the substitute specification of 11-13-06 still does not correct errors in the 3-06 specification, e.g. see page 30, last line. See paragraph 5 *infra*.

***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

For Example:

***Drawings***

4. The drawings were received on 11-13-06. These drawings are approved by the Examiner.

***Description***

5. The substitute specification including the abstract filed 11-13-06 has not been entered. Therefore see the following paragraphs.

6. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the abstract, the first sentence, page 22, lines 13-16.

7. The disclosure is objected to because of the following informalities: The specification is still replete with informalities. For example: 1) The Summary of the Invention section, i.e. a **description of the claimed invention**, not the detailed description of the invention, regardless of length, and the invention of the claims are still not commensurate in scope, see MPEP 608.01(d).

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It is noted the extraneous descriptive matter in the Summary should be included in the Detailed Description instead, if not already. 2) On page 4, line 13, the numeral in parenthesis should be deleted. This also applies to page 13, lines 14, 23 and 31. 3) On page 17, line 17 from the bottom line, "3" still should be --3(A)-(B)--. A complete, consistent description of the invention should be set forth throughout the application. The specification should be carefully reviewed and revised, as necessary, to overcome all the informalities. Applicant is thanked in advance for the continuing cooperation in placing the specification in proper form.

Appropriate correction is required.

### ***Claim Objections***

8. Claims 1, 5-7, 9-14 and 18 are objected to because of the following informalities: In claim 1, lines 7-10 and 18-21 are redundant, see lines 4-6 and 13-15, i.e. "bonded to each other enclosing". On line 13, "a garment" should be --the garment--. In claim 5, line 2, ", which faces" should be --facing--. In claim 7, last section, line 1 thereof is redundant, see last two lines of claim 1, and on line 2, "angle" is redundant, i.e. see "slope". With regard to claim 14, the remarks with respect to claim 1 apply to similar language in this claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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10. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With regard to claim 18, this new claim now requires the total circumference of the opening formed with the backing sheet of the sub-sheet body and a surface of the mini sheet piece is within a certain range. While the originally filed application at the sentence bridging pages 26-27 disclosed the "whole girth", i.e. the circumference, of the insertion opening, i.e. the opening formed between the backing sheet and the surface of the mini sheet piece facing such sheet is within a certain range, this is not what is claimed. If Applicant maintains such claim language the portions of the originally filed application which provide support for the full scope of the claimed structure in a single embodiment should be set forth. Note MPEP 2163.06(I).

11. Claims 1, 5-7, 9-14 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The last two lines of claim 1 are indefinite because it is unclear what is bonded, see Claim Language Interpretation section *infra*, i.e. are the bodies not bonded to each other only directly or not only both directly and indirectly? If the latter, such is inconsistent with the remainder of the last section of claim 1 because lines 28-30 describe a bonding in which all portions of the bodies are indirectly bonded to one another. Also, on lines 22-24, which surface sheet is Applicant referring to, i.e. each of the bodies includes such a sheet, i.e. a positive

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antecedent basis for “the surface sheet” should be set forth? With regard to claim 14, the remarks with respect to claim 1 apply to similar language in this claim.

***Claim Language Interpretation***

12. The claim terminology is interpreted in light of the specific definitions on page 5, lines 10-11 and the sentence bridging pages 6-7. Any other claim language not specifically defined has been interpreted in view of the usual and common meaning of such, i.e. the dictionary definition. It is noted that the terminology “bonded” includes indirect bonding or direct bonding. A product by process is recited by line 2 of claim 6, i.e. see MPEP 2113, i.e. patentability is determined based on the end product of a product by process claim, not the process. The end product of claim 6 is interpreted to include a portion of the main sheet body being bent. It is noted that the terminology “mini” in claims 5 and 18 has not been claimed with respect to any other structure, i.e. mini compared to what, and thereby is considered relative absent specific dimensions thereof. Due to the lack of clarity with regard to the last two lines of claim 1 and similar language in claim 14, the language will be interpreted to require at a minimum a main sheet body and a sub-sheet body bonded, directly or indirectly, to each other at their longitudinal side edges and not being bonded directly anywhere else. Due to the lack of clarity with regard to lines 22-24 of claim 1 and similar language in claim 14, the surface sheet will be interpreted as that of the main sheet body. With regard to claim 18, note again MPEP 2163.06(I).

***Allowable Subject Matter***

13. The claims as best understood see discussion supra patentably distinguish over the prior art. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Response to Arguments***

14. Applicant's remarks have been carefully considered but are either deemed moot in that the issues discussed have not been reraised or deemed not persuasive for the reasons set forth supra.

***Conclusion***

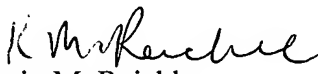
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Karin M. Reichle  
Primary Examiner  
Art Unit 3761

KMR  
January 22, 2007